



Hazardous Trees Policy

Background

EA Networks, along with all New Zealand line companies, is legally required to administer the Electricity (Hazards from Trees) Regulations 2003 ('the Regulations'). The Regulations apply to trees on private and publicly owned land that potentially affect EA Networks lines.

The purpose of the Regulations is to maintain a secure electricity supply and protect the safety of the public by:

- Prescribing safe separation distances between trees and overhead power lines,
- Assigning responsibilities for trimming or felling trees that are close to power lines,
- Establishing rules and penalties for non-compliance,
- Holding tree owners liable for damage caused by trees touching power lines.

By regulation, EA Networks are responsible for:

- Inspecting EA Networks managed assets to identify trees inside the Growth Limit Zone,
- Providing the first cut or trim for trees inside the Growth Limit Zone free of charge, unless the tree is covered by a previous arrangement,
- Notifying tree owners when a tree is too close to power lines,
- Ensuring the tree owner complies with Cut/Trim Notices, and the Regulations.

This policy also applies to trees and branches that EA Networks considers to be potential hazards, which extends the scope of this policy outside of the Regulations.

Legislation

Legislation relevant to this policy includes, but is not limited to:

- Electricity (Hazards from Trees) Regulations 2003 ('the Regulations')
- Electricity Act 1992
- Electricity (Safety) Regulations 2010
- Resource Management Act 1991
- Conservation Act 1987
- Land Transport Act 1998
- Ashburton District Plan

Definitions

Growth Limit Zone: The space around a power line that trees must not encroach, even in windy or stormy conditions. The Growth Limit Zone varies based on the voltage of the power line that the vegetation is in close proximity to.

Notice Zone: This area extends one metre beyond the Growth Limit Zone.

Overhead line	Notice Zone	Growth Limit Zone
66kV – High Voltage	4.0 metres	3.0 metres
33kV – High Voltage	3.5 metres	2.5 metres
22kV – High Voltage	3.0 metres	2.0 metres
11kV – High Voltage	3.0 metres	2.0 metres
LV (400V/230V) – Low Voltage	1.5 metres	0.5 metres

Fall Zone: The fall zone of a tree is the area that a tree may fall into, for the purposes of this policy it is considered to be 1.5 x the height of the tree.

Tree: For the purpose of this policy, 'tree' includes all types of vegetation, including shrubs.

Hazardous Tree: A tree that encroaches the Notice Zone or Growth Limit Zone of a power line.

Potentially Hazardous Tree: A tree that does not encroach the Notice Zone or Growth Limit Zone but is still considered a risk to nearby power lines. This can include, for example:

- A tree that sheds foliage or bark in a close proximity to power lines
- A tree that has overhanging branches
- A tree located away from power lines, where a power line is within the tree's fall zone.

Power Lines: For the purpose of this policy, 'power line/s' also includes poles, conductors, fittings, transformers and other associated equipment.

Policy Objective

To provide a secure and safe power supply to all EA Networks consumers by minimising the impact of trees located near power lines.

Policy Statement

1. Inspection

EA Networks is responsible for inspecting trees that are growing near or within falling distance of network-owned lines and assets.

2. Trees Encroaching Notice or Growth Limit Zones

a) Tree Owner Notification

Should EA Networks become aware of any tree that encroaches the Notice Zone of any EA Networks owned power line, a Hazard Warning Notice will be issued to tree owner.

Should EA Networks become aware of any tree that encroaches the Growth Limit Zone of any power line (excluding service lines) a Cut/Trim Notice will be issued to the tree owner.

b) Responsibilities

In accordance with the Regulations, it is the tree owner's responsibility to ensure trees are cut to a distance outside of the Notice Zone within 25 working days.

The first cut or trim of a hazardous tree will be undertaken at EA Networks' cost. Ongoing maintenance of hazardous trees is the responsibility of the tree owner.

c) Tree Removal

Tree owners can elect to have EA Networks cut a hazardous tree at ground level, free of charge, to minimize future maintenance.

Clearance of any debris associated with removal will be mutually agreed between the tree owner and EA Networks. This will usually involve the trees being cut into manageable lengths, and debris placed in a pile suitable for burning.

Power supply may be disconnected in the work zone when EA Networks cuts or removes a hazardous tree. EA Networks will work with affected customers, as far as practicable, to arrange a suitable time. Unless otherwise mutually agreed, ten working days notice will be provided for any disconnection.

At the customer's request EA Networks will, in some cases, contribute to the cost of placing lines at risk from tree damage underground.

3. Potentially Hazardous Trees

Should EA Networks become aware of a potentially hazardous tree, EA Networks will seek trimming or removal, by mutual agreement with the tree owner.

EA Networks will meet all reasonable costs associated with the removal of a potentially hazardous tree. It is generally the responsibility of the tree owner to clear any resulting debris.

The Regulations do not require tree owners to act regarding potentially hazardous trees but should the tree owner not agree to tree trimming or removal, they may be liable for costs associated with damage to lines and/or interruption to supply caused by a potentially hazardous tree.

At the customer's request EA Networks will, in some cases, contribute to the cost of shifting lines at risk from tree damage underground.

4. Roadside Line Extensions

a) New Customer Request

New customers may request an extension to the roadside lines network.

If an extension will breach the Growth Limit Zone of an existing tree on the customer's property, the customer is liable for all costs associated with tree trimming or removal.

If an extension will breach the Growth Limit Zone of an existing tree on another property, EA Networks will liaise with the tree owner on the customer's behalf to seek mutual agreement for tree trimming or removal. If agreement cannot be reached, the arbitration and compensation provisions of the Regulations will apply. All costs associated with arbitration, trimming and/or removal of the tree will be the responsibility of the customer.

b) EA Networks Extensions

EA Networks may, at times, extend its roadside line network.

If an extension will breach the Growth Limit Zone of an existing tree, EA Networks will negotiate with the tree owner to reach mutual agreement. If agreement cannot be reached, the arbitration and compensation provisions of the Regulations will apply. All costs for arbitration, trimming or removal of the tree will be the responsibility of EA Networks.

5. Tree Related Faults and Damage

If a tree owner fails to take action, after being advised by EA Networks of a hazardous or potentially hazardous tree, EA Networks may seek recovery of any costs associated with damage and/or restoration of supply.

Tree owners that do not comply with the Regulations can be fined up to \$10,000 for committing an offence, plus up to \$500 per day for continuing an offence.

6. Privately Owned On-Property Power Lines

a) Responsibilities

All privately owned on-property lines are the responsibility of the property owner at all times.

EA Networks will provide free, no-obligation advice to assist the property owner in maintaining a safe and secure power line.

It is the property owner's responsibility to ensure, at all times:

- Safety to all persons
- The protection of EA Networks owned assets located on their property from damage caused by trees
- That any tree-related issues do not impact on continuous power supply to other EA Networks customers.

b) Clearance Distance

EA Networks will seek mutual agreement of a clearance distance between privately owned lines and trees. It is EA Networks' preference that the relevant Growth Limit Zone should apply.

If mutual agreement is not reached then the tree owner will be responsible for any costs associated with damage or restoration of the power supply, caused by trees.

EA Networks will, without prejudice, act as an agent if the tree owner is different to the private line owner. In the event of EA Networks being unable to reach an agreement by all parties, any damage from trees will be a civil matter between the two parties.

c) Immediate Safety Hazard

Should EA Networks consider there to be an immediate safety hazard, power supply will be disconnected to the relevant area, without notice, until satisfactory works have been completed.

d) Supply Disconnection

EA Networks will disconnect supply (within normal working hours), free of charge, for tree maintenance.

The property owner must provide notice of at least five working days (if only the tree owner's supply is affected) or 15 working days (if other customers are affected) when disconnection is required.

7. Immediate Safety Hazard/Restoration of Supply

EA Networks is required to act without delay to remove any immediate danger to persons or property from trees, and may cut or trim any tree to the extent necessary to remove immediate danger or to restore supply.

Should EA Networks wish to cut or trim a tree so that it no longer encroaches on the Notice Zone, the tree owner's consent will be obtained prior to any action being taken.

8. Contractors

a) Contractor Selection

Tree owners may use any competent contractor of their choice for work required by this policy, provided that clearances meet the Regulations or any dispensations granted.

EA Networks can assist in the arrangement of a suitable tree contractor on the tree owners' behalf, if required.

b) Contractor Requirements

Contractors must, at all times, meet all healthy and safety requirements.

The contractor will need to arrange for power supply to be disconnected to the area. Five working days notice is required when only the tree owner's supply is affected, 15 working days notice is required if other customers will be affected.

c) Costs and Inspection

Any costs that may be incurred by EA Networks must be agreed to prior to the commencement of any work. EA Networks will inspect completed work prior to payment being made.

9. Trees on Road Reserve

a) Notification of Amenity Value

When a land owner within a 50m radius of a tree on a road reserve that encroaches the Growth Limit Zone of a power line wishes to have an interest in that tree, the land owner may issue an Amenity Notice to EA Networks. In doing so the person with the Amenity interest in the tree will be considered as the owner as far as this policy and the regulations are concerned.

Future maintenance of the tree will then become their responsibility. The declaration of interest is subject to approval of the land/road corridor owner.

b) Removal

Hazardous trees on road reserve will generally be removed, with the permission of the relevant territorial authority.

10. No-Interest Applications

Tree owners can apply for a No-Interest Notice if they do not wish to be responsible for the on-going maintenance of a tree near power lines. Any application must be made in writing, no later than 5 working days from receipt of a Cut/Trim notice.

If an application for No-Interest is granted, the tree owner relinquishes responsibility for the tree. In most cases EA Networks will remove the tree. EA Networks is responsible for all associated costs with tree trimming or removal.

11. Dispensation and Arbitration

a) Application

A tree owner may apply to EA Networks for dispensation from cutting or trimming a tree within the Notice Zone. Any application must be made in writing no later than five working days from the receipt of a Cut/Trim notice.

b) Dispensation

If dispensation is granted, the tree owner does not have to cut a tree inside the Notice Zone; however, they must ensure the tree does not ever encroach the Growth Limit Zone.

A previously granted dispensation can be rescinded if a tree encroaches the Growth Limit Zone, or if dispensation conditions are violated.

c) Arbitration

A tree owner may apply to an arbitrator if dispensation is not granted, or to dispute the terms of a dispensation. Any application must be made in writing no later than 5 working days from receipt of notice regarding a dispensation.